

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION

In re:	)	
	)	Case No. 19-10976-AEC
THRUSH AIRCRAFT, INC.	)	
	)	Chapter 11
Debtor	)	
	)	

**NOTICE OF HEARING**

THE UNITED STATES TRUSTEE HAS FILED DOCUMENTS WITH THE COURT TO CONVERT THE CASE TO A CASE UNDER CHAPTER 7, OR IN THE ALTERNATIVE, DISMISS THE CASE.

**YOUR RIGHTS MAY BE AFFECTED.** You should read these documents carefully and discuss them with your attorney, if you have one in this bankruptcy case. **If you do not have an attorney, you may wish to consult one.** If not served with this notice in accordance with the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure, a copy of the motion may be obtained upon written request to counsel for the Movant (identified below) or at the Clerk's office.

If you do not want the court to convert the case to a case under chapter 7, or in the alternative, dismiss the case or if you want the court to consider your views on the motion, then you or your attorney shall attend the hearing scheduled to be held on

**February 25, 2020 at 10:00 a.m. at the United States Bankruptcy Court,  
Courtroom B, 433 Cherry Street, Macon, Georgia 31201**

**If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting relief.**

This notice is sent by the undersigned pursuant to LBR 9004-1 and 9007-1.

This 10<sup>th</sup> day of January, 2020.

Respectfully submitted,

NANCY J. GARGULA  
United States Trustee

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440 Martin Luther King Jr. Blvd, Ste. 302  
Macon, GA 31201 (478) 752-3545  
[robert.g.fenimore@usdoj.gov](mailto:robert.g.fenimore@usdoj.gov)

By: /s/ Robert G. Fenimore  
Robert G. Fenimore  
Trial Attorney  
GA Bar No. 205202

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION**

<hr/>	)	
<b>In re:</b>	)	
	)	<b>Case No. 19-10976-AEC</b>
<b>THRUSH AIRCRAFT, INC.</b>	)	
	)	<b>Chapter 11</b>
<b>Debtor</b>	)	
<hr/>	)	

**MOTION OF UNITED STATES TRUSTEE TO CONVERT OR DISMISS CASE**

Nancy J. Gargula, United States Trustee for Region 21 (“United States Trustee”), through the undersigned counsel, pursuant to 11 U.S.C. §1112, files this motion and represents:

1.

On September 4, 2019, **THRUSH AIRCRAFT, INC.** (herein “the Debtor”) filed for relief under Chapter 11 of the Bankruptcy Code.

2.

The Debtor has not filed all of its monthly operating reports. Operating reports have not been filed for the months of October 2019 and November 2019. An operating report for December 2019, will be due on January 20, 2020. The Debtor’s failure to file operating reports required by Rule 2015 and § 704(a)(8), and the U.S. Trustee Guidelines, prevents the United States Trustee from properly supervising the administration of the case and is a basis for conversion or dismissal under 11 U.S.C. § 1112(b)(4)(F).

3.

The failure of the Debtor to file operating reports impairs the ability of the United States Trustee, and other parties of interest, to properly monitor the current financial operations of the Debtor. *In re Tucker*, 411 B.R. 530 (Bankr. S.D. Ga. 2009) (The debtor's operating reports and

the financial disclosures which accompany them are the life-blood of the Chapter 11 process, as providing the means by which creditors can monitor the debtor's post-petition operations, and the filing of such reports is an important obligation of Chapter 11 debtor in possession, which the debtor's noncompliance with calls into question the debtor's ability to effectively reorganize.); See also, *In re Costa Bonita Beach Resort, Inc.*, 513 B.R. 184 (Bankr. D. P.R. 2014) (the failure to file monthly operating statements, whether based on an inability to do so or otherwise, undermines the Chapter 11 process and constitutes cause for conversion or dismissal of the Chapter 11 proceedings.)

4.

Failure of the Debtor to comply with the basic requirements of the Bankruptcy Code is a clear indication that the Debtor is unwilling or unable to fulfill its obligations in exchange for the benefit of the protection afforded to it by the filing. This failure to comply with the basic requirements of chapter 11 debtors-in-possession in filing operating reports constitutes cause for conversion or dismissal of the case under 11 U.S.C. §1112(b)(4)(E) and (F). Furthermore, during the two months covered by the missing reports, an order was entered authorizing the sale of substantially all of the Debtor's assets. (Docket No. 213). This sale was likely to trigger disbursements on the Debtor's behalf which would have a substantial impact on the amount of statutory fees owed by the Debtor pursuant to 28 U.S.C. §1930 for the quarter ending December 31, 2019. Without the missing reports, it is impossible for the correct fees to be assessed and billed, and is likely to result in delinquent or insufficient payment of these fees by the Debtor, which is also cause for dismissal or conversion under 11 U.S.C. §1112(b)(4)(K).

WHEREFORE, the United States Trustee prays this Court find that cause exists pursuant to 11 U.S.C. §1112(b) and CONVERT or DISMISS this case.

IN ADDITION, the United States Trustee prays for such other and further relief as the Court may find appropriate.

Date: January 10, 2020.

Respectfully submitted,

NANCY J. GARGULA  
United States Trustee

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By: /s/ Robert G. Fenimore  
Robert G. Fenimore  
Trial Attorney  
GA Bar No. 205202

**CERTIFICATE OF SERVICE**

I hereby certify that I have served the foregoing pleadings titled **NOTICE OF HEARING and MOTION OF UNITED STATES TRUSTEE TO CONVERT OR DISMISS CASE** either through the Court's electronic filing system or by placing a true and correct copy with the United States Postal Service with adequate postage affixed to assure first class delivery and addressed to:

Thrush Aircraft, Inc  
Attention K. Payne Hughes, Sr.  
President  
300 Old Pretoria Road  
Albany, GA 31721

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Ward Stone, Jr.  
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Gregory D. Taylor  
Attorney for Debtor  
Stone & Baxter, LLP  
Fickling & Co. Building  
577 Mulberry Street, Suite 800  
Macon, GA 31201

And all parties of interest on the attached list of creditors.

This 10th day of January, 2020.

Respectfully submitted,

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Label Matrix for local noticing  
113G-1  
Case 19-10976  
Middle District of Georgia  
Albany  
Fri Jan 10 10:08:22 EST 2020

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c/o Georgia Department of Law  
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Aerofast Inc.  
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Albany GA 31701-1818

Donald Wilson  
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Dougherty Glass  
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Leesburg GA 31763-4952

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First Stop Health, LLC  
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Georgia Department of Community Affairs/OneG  
C/O Alkesh B. Patel  
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